

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FILED

MAY 25 2006

WILLIAM B. GUTHRIE
Clerk, U.S. District Court
By _____
Deputy Clerk

CYNTHIA BROWN, Individually and as Parent)
and Next Friend of CAITLYN SHARRON)
BROWN and BILLY LAYTON BROWN,)

Plaintiff,)

versus)

KAWASAKI MOTORS CORP., U.S.A,)

Defendant.)

Case No. CIV 06 - 203 - RAW

COMPLAINT

COMES NOW the Plaintiff, Cynthia Brown, Individually and as Parent and Next Friend of Caitlyn Sharron Brown and Billy Layton Brown, and for her action against Defendant, Kawasaki Motors Corp., U.S.A., does hereby allege and state as follows:

JURISDICTION

1. That Plaintiff is a citizen of the State of Oklahoma.
2. That Defendant is a foreign for profit corporation licensed to do business in the State of Oklahoma and whose registered agent of service is The Corporation Company, 735 First National Bldg., Oklahoma City, OK 73102.
3. That the subject collision occurred on Pine Hollow Road in McAlester, Pittsburg County, State of Oklahoma, in the Eastern District of Oklahoma.
4. That pursuant to 28 U.S.C. §1332 this Court has jurisdiction to hear Plaintiff's Complaint.

BACKGROUND

5. On the 25th day of May, 2004, Caitlyn Sharron Brown and Billy Layton Brown were riding on a Kawasaki Prairie 650 ATV (hereinafter "ATV") when the steering failed due to a design and manufacture defect causing said ATV to loose steering capability. As a result, a severe collision ensued.

COUNT 1
PRODUCTS LIABILITY

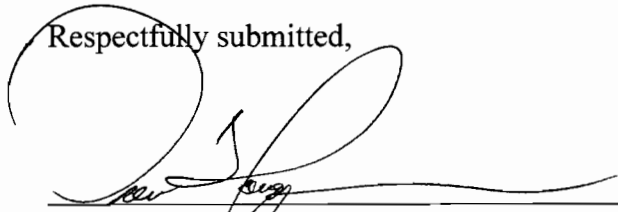
COME NOW the Plaintiff, Cynthia Brown, Individually and as Parent and Next Friend of Caitlyn Sharron Brown and Billy Layton Brown, and for her first count against the Defendant herein does re-allege and restate all material allegations contained in paragraphs 1 through 5 above and would further allege and state:

6. That the Defendant designed and manufactured a defective product or component part thereof related to the steering and/or front wheel assembly which failed, proximately causing the injuries of Caitlyn Sharron Brown and Billy Layton Brown.
7. That Defendant knew or should have known of the product or component part defect(s).
8. That Defendant failed to warn of a known dangerous condition and to take reasonable precautions to prevent injuries like that suffered by Caitlyn Sharron Brown and Billy Layton Brown.
9. That despite knowledge of the known design defect(s), the Defendant negligently implemented a recall program which failed to timely and properly assess and repair the known defect(s) in the steering and/or front wheel assembly.

10. That but for the design defect(s), Caitlyn Sharron Brown and Billy Layton Brown would not have been injured in the collision.
11. That Defendant placed the subject ATV into the stream of commerce with deliberate indifference to the rights and safety of its purchasers and operators.
12. That Defendant's design and manufacture of the subject product or component part thereof resulted in the injuries of Caitlyn Sharron Brown and Billy Layton Brown and caused the Plaintiff and her children mental pain and anguish.
13. That the conduct of Defendant constitutes gross negligence and wanton and willful indifference to the rights and safety of the Plaintiff and her children, for which the Plaintiff, Individually and As Parent and Next Friend of Caitlyn Sharron Brown and Billy Layton Brown, is entitled to recover punitive damages, by way of punishment and example to Defendant.

WHEREFORE, premises considered, Plaintiff, Cynthia Brown, Individually and as Parent and Next Friend of Caitlyn Sharron Brown and Billy Layton Brown, prays for judgment against Defendant, Kawasaki Motors Corp., U.S.A., for actual and punitive damages, in an amount in excess of \$75,000.00, along with attorneys fees and costs incurred in prosecuting this action, and any and all other amounts which this Court may deem equitable, just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jeff D. Marr", is written over a horizontal line.

JEFF D. MARR, OBA No. 16080

J. DREW HOUGHTON, OBA No. 18080

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Attorneys for Plaintiff

JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED